MINUTES COLUMBUS BOARD OF ZONING APPEALS MEETING JUNE 26, 2012 AT 6:30 P.M. CITY COUNCIL CHAMBERS, 123 WASHINGTON STREET COLUMBUS, INDIANA

Members Present: Eric Frey, Chairperson; Dave Bonnell, Secretary and Lou Marr.

Members Absent: Tom Wetherald and Hanna Omar

Staff Present: Melissa Begley, Heather Pope, Sherrie Grable, Trudi Smith, Bill Klakamp (County Code Enforcement) and Alan Whitted (Deputy City Attorney).

PUBLIC MEETING

Eric Frey, chairperson, opened the meeting with a brief explanation about the Board and its responsibilities.

Proof of advertising for all cases was confirmed. The petitions and staff comments are a permanent record at the Planning Department.

Alan Whitted, Deputy City Attorney, administered the oath to all in attendance that would be speaking.

OLD BUSINESS REQUIRING COMMISSION ACTION

C/DS-12-11: Jim & Barb Newell — a request by Jim and Barb Newell for a development standards variance from Zoning Ordinance Section 6.1(A) to establish an accessory structure on a lot before a primary structure. The property is located approximately half a mile south of Lowell Road on County Road 250 West, in Columbus Township.

Mr. Frey stated there is a clarification being sought on this case after having been heard at the May 29, 2012 Board of Zoning Appeals Meeting.

Mrs. Begley stated there was some discussion after the last Board of Zoning Appeals Meeting in regard to the size of the accessory structure. She said she wanted to have a chance to clarify what the Petitioners were requesting.

Mr. Newell stated they are specifically requesting to build an accessory structure 864 square feet to be placed on the north boundary.

Mr. Frey opened the meeting up to the Public for comment and asked if there was anyone who wished to speak on this case.

There was no one to speak at the public hearing.

Mr. Frey closed the public hearing.

Mr. Frey asked if there were any other questions or comments from the staff or petitioners. There were not.

Mr. Bonnell made a new motion to approve **C/DS-12-11** with staff findings of fact from the previous meeting and the condition of an accessory structure be limited to no more than 1,000 square feet.

Seconded by Mrs. Marr.

Mr. Frey asked if there was any discussion. There was not.

Voice vote was taken and it carried unanimously 3-0.

C/DS-12-10: Don's Auto Sales – a request by Charles Townsend for a development standards variance from Zoning Ordinance Section 6.1(C)(3)(g)(i) to exceed 10% of the allowed lot coverage for permanent outdoor sales and Zoning Ordinance Section 6.1(C)(3)(g)(ii) to eliminate the requirement to pave a permanent outdoor sales area. The property is located at 4665 N. US 31, in the City of Columbus.

Mr. Frey asked the Petitioner to come forth.

Mrs. Begley presented the background information on the request. Currently on the site there is Don's Auto Sales and there are cars parked up front along the roadway. There are two structures on the property and the rest is underlying grass.

Mrs. Begley stated the Petitioner is requesting to add Mini-Barn sales onto this property. There are some developmental standards that are involved for outdoor sales. One of those is that there be fencing on three (3) sides. Currently there is an existing 6 foot wood privacy fence. The Petitioner is agreeable to extend this fencing along the north side of the property to where the asphalt area is to enclose it on three (3) sides.

Mrs. Begley noted the two things they are requesting a variance for are: they are limited to 10% of lot coverage on this site. Based on the mini-barns that are currently out there he's utilizing pretty close to that 10%. In order to give him a little bit of room to potentially grow he would like to increase that to 15%. The variance is to increase the outdoor storage area to 15%. The other variance requirement is to pave the areas where the outdoor sales will be located.

Mr. Frey asked if there were any questions. There were not.

Mr. Bunch, the petitioner stated Mrs. Begley had pretty much covered everything.

Mr. Bonnell asked Mrs. Begley if there was any alternative to the paving.

Mrs. Begley stated that in our ordinance it is differentiated for agricultural equipment so if he were selling combines and tractors he would be permitted to have it graveled and not pave it.

Mr. Frey opened the meeting to the public.

There was no one to speak for or against this request.

Mr. Frey closed the meeting to the public.

Mr. Frey asked if there were any other questions or comments. There were none.

Mr. Frey pointed out that since there are two variance requests they will be taken individually and staff and staff has four conditions regarding these requests.

Mr. Frey stated the first request is the 10% lot coverage.

Mr. Bonnell made a motion to approve variance request one on **C/DS-12-10** and incorporate the staff's recommendations for approval and accept their findings of fact.

Mrs. Marr seconded the motion.

Mrs. Begley stated she had two modifications and she wanted to point regarding the conditions that aren't on the staff report. The first is that a 6 foot privacy fence is recommended rather than 8 feet. When filing originally came through the Planning Department gave a time limit of approximately one month from the previous meeting. This has been adjusted to a month to maintain and repair the existing fence and also to build the privacy fence on the north property line giving them a little more time. Condition number three is the applicant shall locate all the mini-barns within the fenced area east of the paved parking area. The outdoor storage area shall be used exclusively for mini-barn sales, additional approval shall be required for any additional outdoor storage uses on this site.

Mr. Bonnell made an amended motion to include these changes. Mrs. Marr seconded the motion.

Variance request one was approved with a voice vote of 3-0.

Mrs. Marr made a motion to deny variance request number two and accept staff's findings of fact.

Mr. Bonnell seconded the motion.

Variance request two was denied with a voice vote of 3-0.

Mr. Bunch stated since the second variance was denied it was of no use to him that variance request number one was approved.

NEW BUSINESS REQUIRING BOARD ACTION

C/CU-12-05: The Ridge – a request by The Ridge for conditional use approval per Zoning Ordinance Section 10 (Table 10.1) to allow 2 freestanding signs, 1 wall sign, 1 directional sign and 1 banner sign for a church in an AP (Agriculture: Preferred) zoning district. The property is located at 2800 Bonnell Road in Clay Township.

C/DS-12-07: The Ridge – a request by The Ridge for a development standards variance from Zoning Ordinance Section 10 (Table 10.1) to exceed the maximum area of a free standing sign by 40 square feet for a total area of 90 square feet and to exceed the maximum height of a free standing sign by 10 feet for a total height of 25 feet in an AP (Agriculture: Preferred) zoning district. The property is located at 2800 Bonnell Road in Clay Township.

Mrs. Pope presented the background information on this request. She stated The Ridge Church is requesting two freestanding signs, one along 25th Street and one along Bonnell Road. They are also requesting two Developmental Standard Variances for the one sign that is along 25th Street. She stated they are requesting a height variance and an area variance for the sign.

Mr. Frey asked if anyone had any questions for staff.

Mr. Bonnell asked if staff was recommending 15 feet high above the grade of 25th Street.

Mrs. Pope stated that was correct. She said the purpose of that recommendation is because if they didn't have the terrain change they would be allowed a 15 foot sign at grade. She noted the Petitioners had stated there is a 6 foot grade change but when staff went to the site they weren't quite sure, so they are asking for some clarification.

Mr. Frey asked if there were any other questions of staff.

Mrs. Price, a representative for the Petitioner, presented an inside view of the church. She stated the issue in terms of the height variation was specifically not to set a bigger and better sign but purely from a safety standard. She noted where the Church is there is a 55 mph speed limit on 46. At the time one would be trying to indicate and turn at the Church location one is traveling over a bridge. If someone is behind the vehicle and a sudden stop to turn onto the Church road is made there is nowhere else for the vehicle not turning to go.

Mr. Frey asked if there were any questions for the Petitioner.

There were none.

Mr. Frey opened the meeting up to the public.

Mr. Steve Bell of 6710 E. 25th Street spoke. His home is located east of Bonnell Road. He complimented the church on everything they had done. He stated he had 3 bedrooms on the west side of the house as well as a swing. His yard is about 100 yards from the sign. He requested the sign be kept to all the normal standards for this particular area in order to keep the country feel to his property.

Mr. Frey asked if there was anyone else to speak for or against this request. There were none.

Mr. Frey closed the public hearing.

Mrs. Price stated because of the church's location and it's very long set-back there is no visual traveling east and west and they are just trying to help people have a safe passage.

Mr. Bell stated Mrs. Price is correct, you can just see the top of the church and some of the lights traveling from the east and the west. He stated he felt 50 square feet was far more than sufficient for the sign. He said he felt if a person couldn't see a sign that was 50 square feet they probably shouldn't be driving.

Mr. Frey asked if the board had any questions of the Petitioner.

Mr. Bonnell asked if the location of the sign was 25 feet back from the highway right-of-way.

Mrs. Price stated that was correct without being in the flood plain.

Mrs. Marr stated that she thought something that wasn't being paid attention to is the City Engineer's comment. She said if one sign of this size was allowed it would set a precedence for others to follow.

Mr. Frey stated there are two requests to be considered. He asked if there were any other comments.

Mr. Frey stated the first case to be addressed is **C/CU-12-05** which is the sign package.

Mrs. Pope stated the board might want to go backwards on this case and look at the Development Standard because if they choose to approve the findings of the size of the sign the findings of the Conditional Use will have to be changed.

Mr. Frey stated the first case that will be considered will be C/DS-12-07.

Mr. Bonnell asked if they took this case first would each individual variance request need to be voted on.

Mr. Whitted stated that is correct.

Mr. Bonnell made a motion to approve C/DS-12-07 on the sign height to be no more than 15 foot.

Mrs. Marr asked if Mr. Bonnell was asking for what was allowed.

Mr. Bonnell stated the sign is actually taller but it will be 15 foot from the grade of 25th Street.

Mrs. Marr seconded the motion.

Mr. Frey asked if there was any discussion. There was none. Voice vote taken and the motion carried 3-0.

Mrs. Marr moved denial on the size of the sign.

Seconded by Mr. Bonnell.

Mr. Frey stated the second part of the request was the sign size. He asked if there was any discussion. There was none.

Voice vote was taken and the second part of the request was denied 3-0.

Mr. Frey stated the next request to be considered was C/CU-12-05.

Mr. Bonnell moved to approve this request as amended by the variance approval and denial and accept staff finding of fact.

Mrs. Marr seconded the motion.

Mr. Frey asked if there was any discussion. There were none. Voice vote was taken and it was approved with a vote of 3-0.

C/CU-12-08: Danny & Velda Johnson – a request by Danny and Velda Johnson for conditional use approval per Zoning Ordinance Section 3.12(B) to allow a two-family dwelling on a single lot in an RE (Residential: Established) zoning district. The property is located at 2631 Ohio Street, in the City of Columbus.

Mr. Frey stated the next two cases are continued until July due to an error in the Public Notice.

Mr. Frey asked if there was a motion for continuance for C/CU-12-08.

Mr. Bonnell made a motion to continue C/CU-12-08.

Mrs. Marr seconded the motion.

Mr. Frey took a voice vote and motion to continue passed with a vote of 3-0.

C/DS-12-12: Danny & Velda Johnson — a request by Danny and Velda Johnson for a development standards variance from Zoning Ordinance Section 3.12(C) to allow the living area of a dwelling to be 600 square feet, 240 square feet smaller than minimum 960 square feet required at this location in the RE (Residential: Established) zoning district. The property is located at 2631 Ohio Street, in the City of Columbus.

Mr. Frey asked if there was any discussion. There was none.

Mrs. Marr made a motion to continue C/DS-12-12.

Mr. Bonnell seconded the motion.

Voice vote was taken and it was continued with a vote of 3-0.

C/CU-12-09: Garden City Iron & Metal – a request by KLM National, LLC for conditional use approval per Zoning Ordinance Section 3.5(B) to allow a waste disposal facility that was previously a legal non-conforming use to expand in an AP (Agriculture: Preferred) zoning district and 4.3(B)(2)(d) to allow a waste disposal facility to be located in a Wellfield Protection Overlay District. The property is located at 5 Kenmill Street in Columbus Township.

Mr. Jeff Beck, attorney for the Petitioner requested a continuance in this case. He stated they are working with Mr. E.R. Gray to address some concerns.

Mrs. Marr made a motion to continue C/CU-12-09.

Mr. Bonnell seconded the motion.

Mr. Frey asked if there was any discussion.

A voice vote was taken and the it carried 3-0 to continue this case until next month.

FINDINGS OF FACT

C/CU-12-04 Shannon Callahan

Mr. Bonnell made a motion to approve the findings of fact and it was seconded by Mr. Frey.

Motion carried by voice vote 3-0.

C/DS-12-09 Sarah Lewis

Mr. Bonnell made a motion to approve the findings of fact and it was seconded by Mr. Frey.

Motion carried by voice vote 3-0.

C/DS-12-11 Jim and Barb Newell

Mr. Bonnell made a motion to approve as amended the findings of fact and it was seconded by Mr. Frey.

Motion carried by voice vote 3-0.

APPROVAL OF MINUTES

Mr. Bonnell made a motion to approve the minutes of May 29, 2012 and seconded by Mr. Frey. Motion carried by voice vote 3-

DISCUSSION ITEMS

Mrs. Marr voiced her concern over lack of attendance of board members and not all members having an alternate to replace them if they are unable to attend.

The meeting was adjourned at 7:37 p.m.

Eric Frey, Chairperson

Dave Bonnell, Secretary